

Note: This Regional Oversight Plan Template is recommended but not required. Required information regardless of format: 1) state; 2) program; 3) significant issues; 4) corrective measures/escalation approach being taken by region/state; including schedule and timeframes for completion of corrective actions.

National Strategy Regional Oversight Plan

U.S. EPA Region 8

March 9, 2015

STATE	PROGRAM	Significant Issue*	Corrective Measures/Escalation Approach** with Timeframes
WY	CAA	Penalty Calculations In SRF Round 3 (E5) the state does not document the calculation and assessment of penalties	EPA directed the State to develop a penalty calculation worksheet using a draft worksheet provided by EPA which contained the minimum data elements. EPA has recently conferred with the State and confirmed that the State is using the worksheet. During the case development stage of each enforcement action, the State enters the input-data and generates a proposed penalty amount. This penalty amount is used to negotiate a settlement with the violator. The final assessed amount and collection of penalty is documented by sending to EPA the consent decree, termination order, and case closed-out letter.

Non-Responsive

STATE	PROGRAM	Significant Issue*	Corrective Measures/Escalation Approach** with Timeframes
ND	CAA	Data Inconsistency In the FY13 EOY Report to the state, EPA indicated an inconsistency between AFS reported data and actual NDDH activities.	2014 Status: The age and inflexibility of the AFS database has been an ongoing issue for many states and at this time, the AFS database is undergoing a migration to an updated, easier to integrate system (ECHO modernization). Following the migration to the updated database (October 2014 for CAA actions), the NDDH and the EPA will work hard to accurately migrate compliance data. 2015 Status: Throughout calendar year 2014 and into this year, 2015, the AFS database is migrating to an updated, easier to integrate system, ICIS database which feeds the public interface, Enforcement and Compliance History Online (ECHO). Based on an update from the ICIS integration lead in Region 8, the NDDH is an active participant in the national effort migrating from AFS to ICIS and is on track to meet all milestones for the migration – even a “bit ahead” of some other states nationally. As the EPA and NDDH continue through these early stages of migration and implementation of the ICIS database both the EPA and NDDH will work for continued data compliance.
Non-Responsive			

STATE	PROGRAM	Significant Issue*	Corrective Measures/Escalation Approach** with Timeframes
Non-Responsive			

STATE	PROGRAM	Significant Issue*	Corrective Measures/Escalation Approach** with Timeframes
Non-Responsive			

*** Significant Issues** *The National Strategy for Improving Oversight of State Enforcement Performance (December 12, 2013) states that significant issues include but are not limited to:*

- *Widespread and persistent data inaccuracy and incompleteness in national data systems which make it hard to identify when serious problems exist or to track state actions.*
- *Routine failure of states to identify and report significant noncompliance.*
- *Routine failure of states to take timely or appropriate enforcement actions to return violating facilities to compliance, potentially allowing pollution to continue unabated.*
- *Failure of states to take appropriate penalty actions, which results in ineffective deterrence for noncompliance and an unlevel playing field for companies that do comply.*

**** Corrective Action and Escalating Problem Solving** *The National Strategy for Improving Oversight of State Enforcement Performance (December 12, 2013) provides the following tiers for taking corrective action and escalating problem solving:*

- *Work with the state to call attention to the issue*
- *Elevate the problem-resolution to higher levels of management and document the path to resolution*
- *Take direct EPA action such as reviewing completed state actions to see if improvement are being made; reviewing actions prior to the state's taking those actions to ensure conformance with EPA policy; conducting joint, oversight, or federal-only inspections; or bringing federal cases.*
- *Escalating EPA action including overfiling, withholding grant dollars, temporary or partial withdrawal of a program or full program withdrawal.*